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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,366	07/10/2003	W. J. Jim Amoss JR.	P02154US (98246.1P)	1497
22920	7590	12/16/2004	EXAMINER	
GARVEY SMITH NEHRBASS & DOODY, LLC THREE LAKEWAY CENTER 3838 NORTH CAUSEWAY BLVD., SUITE 3290 METAIRIE, LA 70002			KIM, SANG K	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/617,366	Applicant(s) AMOSS ET AL. 21	
	Examiner SANG KIM	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 74-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 74-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election of Species VII, figures 18-19, (claims 74-81) in the reply filed on 11/17/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Priority

This application discloses and claims only subject matter disclosed in prior Application No. 09/735343, filed on 12/11/00, and of co-pending U.S. Patent Application No. 10/016169, filed on 11/30/01, and names an inventor or inventors named in the prior application. Accordingly, this application may constitute a continuation or division. Should applicant desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.

Specification

The specification is objected to because in prior Application No. 09/735343, filed on 12/11/00, and of co-pending U.S. Patent Application No. 10/016169, filed on 11/30/01, should be updated as (now abandoned). Correction is required. See MPEP § 608.01(b).

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "container scanning equipment" in claim 76 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement

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Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 77 is objected to because of the following informalities: Line 1, "comprising g" should be --comprising--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 74-81 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 74, line 6, "a CBW type "boom" crane" is indefinite and vague. What is CBW? What is the difference between a CBW boom crane vs. a CBW type boom crane?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 74-75 and 78-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amoss, Jr., U.S. 2002/0071743 A1.

With respect to claims 74-75 and 80-81, Amoss '743 shows a transshipping platform (200); a plurality of cranes (242, 246) on the transshipping platform for transferring goods (55) between an ocean-going vessel (32) and a barge (44) or other shallower-draft feeder vessel using the cranes on the transshipping platform, the cranes including a gantry crane with trolleys (71) and hatch storage (no reference number), and bi-directional draw bar multi-trailers (61) for receiving containers from the cranes and delivering containers (55) to the cranes; yard tractors (76), see figures 1-8. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the yard tractors with automatic hitches, etc., in order to help transport the goods faster.

With respect to claims 78-79, Amoss '743 shows platform extensions (220), see figure 8.

The recitation in the claims that "boom" is a CBW type crane without claiming any structural elements, relates only to a possible or intended use of the device being claimed, but does not further structurally limit the device.

Claims 74-75 and 77-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lovell, U.S. Patent No. 1033602, in view of McDowell, U.S. Patent No. 31983535.

With respect to claims 74-75 and 80-81, Lovell '602 shows a transshipping platform (A); a crane (C) on the transshipping platform for transferring goods (no reference number) between an ocean-going vessel (D) and a barge (B) or other shallower-draft feeder vessel using the cranes on the transshipping platform, the cranes including a gantry crane (C) and hatch storage (no reference number), and bi-directional draw bar multi-trailers (no reference number) for receiving containers from the cranes and delivering containers to the cranes, see figures 1-2.

McDowell '353 shows a plurality of cranes with trolleys (80, 80) to unload or load the goods with railroad cars, see figure 1.

Lovell '602 discloses the claimed invention except for the crane with trolleys and yard tractors with automatic hitches for moving the trailers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the apparatus of Lovell to add trolleys and yard tractors (no reference number, i.e. railroad cars which has automatic hitches) as taught by McDowell, in order to help transport the goods faster.

The recitation in the claims that "boom" is a CBW type crane without claiming any structural elements, relates only to a possible or intended use of the device being claimed, but does not further structurally limit the device.

With respect to claim 77, as advanced above, Lovell '602 shows an MPC island (located near B2), see figure 1.

With respect to claim 78, as advanced above, Lovell '602 shows a platform extension (no reference number assigned), see figures 1-2.

With respect to claim 79, as advanced above, from figures 1-7, Lovell '602 does not show the whole layout of the dock area, therefore, cannot determine whether if there are platform extensions.

McDowell '353 shows platform extensions (no reference number), see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the apparatus of Lovell to add platform extensions as taught by McDowell, to accommodate additional vessels.

Claim 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lovell in view of McDowell, as applied to claim 74 above, and further in view of Henderson, U.S. Patent No. 4786229.

Lovell in view of McDowell discloses the claimed invention except for a container scanning equipment.

Henderson '229 teaches a container scanning equipment, see column 8, lines 15-30.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the apparatus of Lovell in view of McDowell to add a container scanning equipment as taught by Henderson, to keep track of containers and store products properly.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 703-305-3712. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

12/8/04


JOHN M. JILLIONS
PRIMARY EXAMINER